

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LINDSAY JENKINS-DOWNS,

Plaintiff,

v.

LHC GROUP, INC, d/b/a/  
ASSURED HOME HEALTH AND  
HOSPICE - CENTRAL BASIN,

Defendant.

No. CV-12-375-RHW

**ORDER GRANTING  
DEFENDANT'S MOTION TO  
DISMISS**

Before the Court is Defendant's Motion to Dismiss, ECF No. 12. The motion was heard without oral argument. Plaintiff did not file an opposition to the motion.

Defendant moves to dismiss Plaintiff's claim for violation of the Washington Law Against Discrimination. Defendant argues that Washington State law does not recognize a cause of action for discrimination based on a person's association with a disabled person, citing *Sedlacek v. Hillis*, 145 Wash.2d 379 (2001). In that case, the plaintiff, a nondisabled person claimed she was wrongfully discharged from her position as a member of a husband-wife apartment management team because of her association with her disabled husband. *Id.* at 381-82. In ruling on whether discharging her constituted wrongful termination in violation of public policy, the Washington Supreme Court noted that the Washington Law Against Discrimination does not provide any protection for those associated with or related to a disabled person. *Id.* at 390-91.

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1 Wash. Rev. Code § 49.60.180(2) provides:

2 It is an unfair practice for any employer:

3 (2) To discharge or bar any person from employment because  
4 of age, sex, marital status, sexual orientation, race, creed, color,  
5 national origin, honorably discharged veteran or military status, or the  
presence of any sensory, mental, or physical disability or the use of a  
trained dog guide or service animal by a person with a disability.

6 The statute is silent regarding prohibitions against discriminating against  
7 persons associated with or related to a disabled person. As such, Plaintiff's claim  
8 under the Washington Law Against Discrimination for taking leave to care for her  
9 son fails as a matter of law. For these reasons and because Plaintiff failed to  
10 oppose the motion, the Court grants Defendant's Motion to Dismiss.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. Defendant's Motion to Dismiss, ECF No. 12, is **GRANTED**.

13 2. Plaintiff's claim under the Washington Law Against Discrimination is  
14 **dismissed**.

15 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
16 enter this Order, and furnish copies to counsel.

17 **DATED** this 5<sup>th</sup> day of February, 2013.

18  
19 *s/Robert H. Whaley*

20 ROBERT H. WHALEY  
21 United States District Judge  
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